

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda August 12, 2014 7:00 P.M.

Call to Order -

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilman Paul Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

1. Announcement of Amendments/Corrections to the Agenda –
2. Consent Agenda—

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a

resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on June 24, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request permission to reject Hialeah Bid No. 2014/15-3230-00-019 received on July 15, 2014 for the Cultural Park – Earthwork, Sitework, Paving and Drainage, since it is advantageous to the City in that the City only received two bids and the lowest bid exceeded the City's budget. Further request permission to allow the City's Construction and Maintenance Department to obtain quotations for this project. (CONSTRUCTION AND MAINTENANCE DEPT.)
- C.** Request permission to waive competitive bidding and increase purchase order # 2014-617, since it is advantageous to the City, issued to WW. Grainger, Inc., for the purchase of industrial supplies and materials, by an additional amount of \$10,000, in a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- D.** Request permission waive competitive bidding and increase purchase order # 2014-575, since it is advantageous to the City, issued to Home Depot U.S.A., Inc. d/b/a The Home Depot, to purchase hardware supplies and materials, by an additional amount of \$10,000, in a new total cumulative amount not to exceed \$25,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- E.** Request permission to waive competitive bidding and increase purchase order # 2014-592, since it is advantageous to the City, issued to Medina Brothers Plumbing Supplies, Inc. d/b/a Medina & Sons Plumbing Supplies, to purchase plumbing supplies, by an additional amount of \$10,000, in a new total cumulative amount not to exceed \$35,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- F.** Request permission to waive competitive bidding and increase purchase order # 2014-594, since it is advantageous to the City, issued to Miami Dade Electrical Supply, Inc., to purchase electrical supplies and materials, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$40,000. (CONSTRUCTION AND MAINTENANCE DEPT.)
- G.** Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to submit to the United States Department of Housing and Urban Development (HUD), the Action Plan for fiscal year 2014-2015, including amendments and revisions thereto, and to execute any and all agreements, certifications and assurances in furtherance of the programs in the Action Plan in accordance with the US HUD regulations. (DEPT. OF GRANTS AND HUMAN SERVICES)
- H.** Proposed resolution authorizing the Mayor and/or his designee to accept an award, in the amount of \$250,000.00, and to execute any and all documents necessary for the acceptance of the award from the State of Florida Department of Elder Affairs, under the Alliance for Aging, Inc., for the provision of congregate meals at thirteen sites throughout

the City, from July 1, 2014 to June 30, 2015, and further authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida to enter into an agreement with the Hialeah Housing Authority for the delivery of these services. (DEPT. OF GRANTS AND HUMAN SERVICES)

- I. Request permission to increase purchase order # 2014-269, since it is advantageous to the City, issued to School Board Miami Dade County Public Schools, to pay the final June reconciliation invoice for the purchase of snacks at 75 cents per child during the school year from August 20, 2013 to June 6, 2014 for the *Young Leaders with Character Program*, by an additional amount of \$3,111, for a new total cumulative amount not to exceed \$23,361. Contract was approved during the meeting of August 13, 2013 Item EEE. (EDUCATION AND COMMUNITY SERVICES)
- J. Request permission to increase purchase order # 2014-90, issued to Rainbow Window Tinting Inc. d/b/a Rainbow Emergency Equipment, to purchase emergency equipment and supplies for City vehicles, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$35,000. This vendor was awarded Hialeah Bid #2011/12-3220-36-038 – Furnish and Install Emergency Vehicle Equipment on March 27, 2012 for a period of three years ending on March 27, 2015. (FLEET MAINTENANCE DEPT.)
- K. Request permission to waive competitive bidding and increase purchase order # 2014-229, since it is advantageous to the City, issued to Power Truck Repair, Inc, for City truck service and repairs, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$40,000. (FLEET MAINTENANCE DEPT.)
- L. Request permission to increase purchase order # 2014-146, since it is advantageous to the City, issued to Growers Equipment Company, the only authorized local dealer for new Holland Equipment, to purchase Ford equipment parts and accessories for City trucks, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$80,000. (FLEET MAINTENANCE DEPT.)
- M. Request permission to utilize Miami Dade County Bid No. 8889-4/14-4, a competitively bid governmental contract, and increase purchase order # 2014-233, since it is advantageous to the City, issued to Fedan Corp. d/b/a Fedan Tire Co., to purchase recap items for City trucks and vehicles, by an additional amount of \$25,000, for a new total cumulative amount not to exceed \$150,000. (FLEET MAINTENANCE DEPT.)
- N. Request permission to utilize Miami Dade County Bid No. 5745-2/14/2, a competitively bid governmental contract, and increase purchase order # 2014-175, since it is advantageous to the City, issued to Electric Sales and Services, Inc., to purchase starters and alternators for City trucks and vehicles, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.)
- O. Request permission to increase purchase order # 2014-232, since it is advantageous to the City, issued to Macmillan Oil Company of Florida Inc, for gasoline and fuel for City vehicles, by an additional amount of \$250,000, for a new total cumulative amount not to

exceed \$1,200,000.00. This vendor is under contract with the City until October 1, 2015 to supply gasoline and diesel fuel for City vehicles. (FLEET MAINTENANCE DEPT.)

- P.** Request permission to waive competitive bidding and increase purchase order # 2014-168, since it is advantageous to the City, issued to KVP Enterprises Inc d/b/a Expert Diesel, to purchase engine parts for the City's heavy equipment, by an additional amount of \$5,000, for a new total cumulative amount not to exceed \$20,000. (FLEET MAINTENANCE DEPT.)
- Q.** Request permission to increase purchase order # 2014-770, issued to the law firm of Hawkins, Delafield & Wood LLP, for anticipated costs to be paid in connection with legal representation for the design/construction/operation of the Reverse Osmosis Water Treatment Plant, including but not limited to, post-contract issues that have arisen during the completion of the construction phase of the Reverse Osmosis Water Treatment Plant, by an additional amount of \$11,000, for a new cumulative amount not to exceed \$149,000. (LAW DEPT.)
- R.** Request permission to increase purchase order # 2014-1100, since it is advantageous to the City, issued to BSN Sports, Inc., to purchase baseball and softballs bases for the summer league, by an additional amount of \$1,000, for a new total cumulative amount not to exceed \$11,000. This vendor was awarded Hialeah Bid No. 2013/14-3130-00-002 – Athletic Equipment on October 22, 2013. (PARKS AND RECREATION DEPT.)
- S.** Request permission to increase purchase order # 2014-412, since it is advantageous to the City, issued to Rex Chemical. Corporation, to purchase floor cleaning chemicals to be used to clean facilities through the end of the fiscal year, by an additional amount of \$3,000, for a new total cumulative amount not to exceed \$4,500. To date this fiscal year several purchase orders have been issued to this vendor totaling \$15,413.47 (PARKS AND RECREATION DEPT.)
- T.** Request permission to increase purchase order # 2014-399, since it is advantageous to the City, issued to Biscayne Electric Motor & Pump Inc., for the repair and maintenance of aquatic facilities, fountain pumps and motors, by an additional amount of \$5,500, for a new total cumulative amount not to exceed \$20,000. This vendor is the manufacturer's representative for Weiman Pumps, the primary pump used at City facilities, and was the only vendor willing to provide on-site repairs. (PARKS AND RECREATION DEPT.)
- U.** Request permission to disqualify Aramark, lowest responsive bidder, to Hialeah Bid No. 2013/14-8500-36-013 - Uniforms, since the addendum submitted by Aramark made the bid unresponsive, and further request permission to award this bid to the second lowest responsive bidder, Unicommerce, Inc. (PURCHASING DEPT.)
- V.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase to Pro-Striping USA Corp, to purchase of materials for the striping of East 6 Avenue from Okeechobee Road to Hialeah Drive, a total cumulative amount not to exceed \$6,604.81. (STREETS DEPT.)

- W.** Request ratification of an increase to purchase order # 2014-673, since it is advantageous to the City, issued to Olmedo Printing Corporation, for the service of printing new bills, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$40,000. (WATER AND SEWER DEPT.)
- X.** Request ratification of an increase to purchase order # 2014-1277, since it is advantageous to the City, issued to HD Supply Waterworks, LTD., to purchase water meters and parts, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$30,000. (WATER AND SEWER DEPT.)
- Y.** Request ratification of the waiving of competitive bidding, since it is advantageous to the City, and the issuance a purchase order to Environmental Consultants, LLC, for the maintenance of the wetlands located along NW 166 Street and NW 97 Avenue, in a total cumulative amount not to exceed \$30,000. (WATER AND SEWER DEPT.)
- Z.** Request ratification of the waiving of competitive bidding, since it is advantageous to the City, and the issuance of a purchase order to TAW Miami Service Center, Inc., for the repair of sewage pumps that are not covered by warranty, in a total cumulative amount not to exceed \$40,000. (WATER AND SEWER DEPT.)
- AA.** Request ratification of an increase to purchase order # 2014-1947, since it is advantageous to the City, issued to SRS Engineering, Inc., for engineering services during the construction of sewers, such as attending utility coordination meetings with the City and permitting agencies, attending pre-construction meetings with engineers and contractors, reviewing and approving shop drawings, responding to requests for additional information regarding the design of a project and field inspection services, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$49,511.34. (WATER AND SEWER DEPT.)
- BB.** Request ratification of the waiving of competitive bidding, since it is advantageous to the City, and the issuance of a purchase order to SRS Engineering, Inc., for engineering services during construction of the Reverse Osmosis Water Treatment Plant, such as attending utility coordination meetings with the City and permitting agencies, attending pre-construction meetings with engineers and contractors, reviewing and approving shop drawings, responding to requests for additional information regarding the design of a project and field inspection services, in a total cumulative amount not to exceed \$55,000. (WATER AND SEWER DEPT.)
- CC.** Request ratification of an increase to purchase order # 2014-645, since it is advantageous to the City, issued Sunshine Communications Services, Inc., for after-hours telephone answering services, by an additional amount of \$15,000, for a new total cumulative amount not to exceed \$39,000. (WATER AND SEWER DEPT.)
- DD.** Request ratification of an increase to the amount of the contract amendment with LEIDOS for the management services for Task C of the Reverse Osmosis Water Treatment Plant, since it is advantageous to the City in that although the scope of work was originally envisioned to end on November 18, 2011 the securing of the environmental permits, construction start-up and completion of the site preparation work

resulted in an extension of time and an adjustment to the professional fee, and the acquisition of the necessary easements and dedications for the construction of the well field and related pipelines also affected the schedule, by an amount of \$496,000 including \$33,000 for out-of-pocket expenses for Task C scope of services through Final Acceptance and the project close-out. On February 23, 2010 the City entered into a contract amendment with LEIDOS for the management services for Task C in a total amount of \$1,408,815, including \$113,429 for anticipated expenses. (WATER & SEWERS DEPT.)

- EE.** Request permission to increase purchase order # 2014-631, since it is advantageous to the City, issued to Overland Carriers Incorporated, to continue purchasing lime rock, ballast rock and other materials needed to repair and construct roadway and drainage, by an additional amount of \$20,000, for a new total cumulative amount not to exceed \$50,000. (STREETS DEPT.)
- FF.** Request permission to increase purchase order # 2014-1801, since it is advantageous to the City, issued to Mystic Gardens Lawn Contractors Inc., for the replanting of damaged trees in medians, by an additional amount of \$40,000, for a new total cumulative amount not to exceed \$49,915. (STREETS DEPT.)
- GG.** Report of Scrivener's Error – Resolution No. 2014-60. The resolution is corrected as follows: Proposed resolution approving a modification of *the Landscape Maintenance Memorandum of Agreement* with the State of Florida, Department of Transportation (FDOT) to maintain the mulch areas and plantings along the median and shoulder of designated state roads to include a segment of Red Road, north of West 54 Street to south of West 84 Street. (STREETS DEPT.)
- HH.** Request permission to award Roadway and Drainage Design Services of SE 1st Street, SE 1st Place, SE 2nd Place and SE 3rd Place between SE 6 Avenue and SE 8 Avenue to R.J. Behar & Company, a vendor from the pool of engineers approved by the City's Selection Committee in 2007 for City engineering services, and issue a purchase order to R.J. Behar & Company for these services, in a total cumulative amount not to exceed \$151,469.30.
- II.** Request from Eventus for a street closure permit to hold the Latin Grammy Street Party on West 16th Avenue, from West 37 Street to West 42 Street, allowing eastbound and westbound traffic on both 37th and 42nd Street, from 11:59 p.m. on Saturday, November 8, 2014 until 11:59 p.m. on Sunday, November 9, 2014. (OFFICE OF THE CITY CLERK)
- JJ.** Proposed resolution accepting an easement from HG Eight Acres, LLC, and known as Royal Gardens Plaza, a Florida Corporation, by and through its manager, Alberto Micha Buzali, to install, operate and maintain an underground water and sewer line main located within a portion of Tract D and Tract E of Las Fuentes Del Paraiso Two, Hialeah, Florida, said portion being a strip of land 12 feet in width lying 6 feet on each side, and more particularly described in the surveyor's sketch attached hereto and made a part hereof as Exhibit "1". (LAW DEPT.)

KK. Proposed resolution accepting an easement from Paraiso Gardens LLC, a Florida Corporation, by and through its manager, Martha Fernandez, to install, operate and maintain an underground water line main located within a portion of Tract 11 of Chambers Land Company Subdivision, of the Northwest ¼ of Section 28, Township 52, Range 40 East, and more particularly described in the surveyor's sketch attached hereto and made a part hereof as Exhibit "1". (LAW DEPT.)

LL. Request permission to increase purchase order # 2014-202, since it is advantageous to the City, issued to Unifirst Corporation, for uniform services for City employees, by an additional amount of \$2,500, for a new total cumulative amount not to exceed \$10,850. (FLEET MAINTENANCE DEPT.)

3. Board Appointments –

a. Pursuant to the Hialeah Code § 70-131, AFSCME, may appoint one trustee to the Employees General Retirement System Board of Trustees. The appointee must be an active member of the retirement system or of the deferred retirement option program (DROP). AFSCME, has submitted the following two names for consideration, to be appointed to the Employees General Retirement System Board of Trustees of the City of Hialeah, as the AFSCME appointment, for the remainder of a two (2) year term ending on December 31, 2014:

- **Julia Hidalgo** (AFSCME's first choice)
- **George Miller** (AFSCME's second choice)

b. Pursuant to the Hialeah Code § 2-732, AFSCME, may nominate one member to the Personnel Board by submitting a maximum of three names to the City Council for consideration. AFSCME, has submitted the following two names for consideration, to be appointed to the Personnel Board of the City of Hialeah, as the AFSCME appointment, for a period of two (2) years ending on June 26, 2016:

- **Jorge E. Leal** (AFSCME's first choice)
- **Stephen C. Dielmann** (AFSCME's second choice)

4. Unfinished Business –

5. New Business –

6. Comments and Questions -

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

- PZ 1. Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District) and granting a Variance Permit to allow a lot coverage of 32.6%, where a maximum of 30% is allowed, contra to Hialeah Code §§ 98-2056(b)(2). **Property located at 355 West 13 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Ceasar Mestre, Esq.*

The item was approved on first reading on June 24, 2014.

- PZ 2. First reading of proposed ordinance granting a Variance Permit to allow a Pylon Reader Board LED Sign on property zoned C-1 (Restricted Retail Commercial District) outside the geographic area where LED signs are permitted, a distance of less than 300 feet from property zoned Residential, where a minimum 300 feet is required; and allow a setback of 2 feet from the right-of-way line, where 10 feet are required; contra to Hialeah Code §§ 74-149 (b), 74-149 (e) and 74-128(1)e. **Property located at 4640 Palm Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Benjamin Ocner*

Item came before the Council as a Recommendation of denial by the Planning and Zoning Official, upheld by the Planning and Zoning Board, and the denial was overridden by the Council on June 24, 2014.

Item was continued on May 13, 2014 until the meeting of June 24, 2014.

FINAL DECISIONS

- FD 1. Proposed resolution approving the final decision of the Planning and Zoning Board, Decision No. 14-10 that granted an adjustment to accommodate a terrace open on all three sides on property located at **397 West 64 Street, Hialeah, Florida;** and providing for an effective date. *Applicant: Adrian Fumero*

The item was continued on June 24, 2014 due to the need to re-advertise.

SPECIAL MEETING

LAND USE AMENDMENTS

- LU 1. Second reading and public hearing of proposed ordinance amending the Future Land Use Map from Low Density Residential to Medium Density Residential; **Property located at 130 West 20 Street, Hialeah, Florida,** zoned R-1 (One-Family District); repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. *Applicant: Blanco Family Holdings V LLC*

The item was approved on first reading on June 24, 2014.

The item continued on June 10, 2014 until the meeting of June 24, 2014 per the request of the applicant's representative.

NEXT CITY COUNCIL MEETING: August 26, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: August 26, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).